

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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QUEENS BOROUGH PUBLIC LIBRARY,	:
	:
Plaintiff,	: 09-CV- 2860 (ILG)(RER)
	:
- against -	: NOTICE OF MOTION
	: <u>TO DISMISS</u>
DYNIX CORPORATION, SIRSI HOLDINGS CORP.	:
and SIRSI CORPORATION,	:
	:
Defendants.	:
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PLEASE TAKE NOTICE THAT, upon the affidavit of Brad Whittle, sworn to on October 26, 2009, and the accompanying Memorandum of Law in Support of Defendants Sirsi Corporation's ("Sirsi") and Dynix Corporation's ("Dynix") Motion to Dismiss the Second, Third, Fifth, Eighth, and Ninth Causes of Action and the Claims for Punitive Damages and Attorneys' Fees, Sirsi and Dynix will move this Court before the Honorable I. Leo Glasser, Senior United States District Judge for the United States District Court for the Eastern District of New York, Courtroom 8B South, at the United States Courthouse, 225 Cadman Plaza East Brooklyn, New York 11201, at a date to be determined by the Court, for an order, pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the Second, Third, Fifth, Eighth, and Ninth Causes of Action and the Claims for Punitive Damages and Attorneys' Fees because plaintiff has failed to state a claim upon which relief can be granted as to those claims and for such further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, in accordance with Rule 6.1(b) of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New

York, opposing papers and answering memoranda, if any, shall be served within ten (10) business days after service of this motion.

Dated: New York, New York
October 26, 2009

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